

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES M. SAYLOR,

Petitioner,

vs.

JEFF WOOTEN,

Respondent.

8:17CV442

ORDER

Joshua Barber and Terry Barber have moved to withdraw as counsel for Petitioner. ([Filing No. 29](#).) Counsel represents that there has been a breakdown in the attorney-client relationship and that they can no longer effectively represent Petitioner in this matter. Counsel further represents that Petitioner does not want them to represent him in this case. It appears that Petitioner has been provided with a copy of the Motion to Withdraw. Under the circumstances, the Court finds the Motion to Withdraw should be granted.

IT IS ORDERED:

1. The Motion to Withdraw ([Filing No. 29](#)) is granted.
2. Petitioner's counsel shall promptly mail a copy of this Order to Petitioner and file a certificate of service stating the date and manner of service, and the name and address served. Counsel will not be relieved of applicable duties to the Court, Petitioner, and opposing counsel until proof of service is filed. Upon the submission of proof of service, the Clerk of Court shall terminate counsel's appearance for Petitioner.
3. Upon the filing of proof of service pursuant to Paragraph 2 of this Order, Petitioner will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel has entered a written appearance. If substitute counsel has not entered a written appearance, the Petitioner shall each file a written notice with the Clerk of the Court of his current address and telephone number within five (5) business days of being served with this Order.

Petitioner is advised that he may obtain counsel at any time. However, until such time as substitute counsel enters a written appearance, he must comply with all orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply could result in sanctions, including, but not limited to, the imposition of costs and dismissal of this action.

Dated this 4th day of September, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge